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Paper No. 7
COPY MAILED

JUL 07 2003

OFFICE OF PETITIONS

In re Application of
Clifton et al
Application No. 09/848,666
Filed: August 16, 2001
For: NOVEL POLISH COMPOSITIONS AND
METHOD OF USE

LETTER HOLDING DECISION
IN ABEYANCE AND
REQUESTING SUBMISSION
OF DOCUMENT

A petition under 37 CFR 1.182, signed by one of the two named inventors in the above-referenced application, was filed on August 16, 2001, requesting that this application be accorded a new filing date. During a telephone interview with the inventor who had signed the petition, Michael G. Kinnaid ("Kinnaid"), the Office learned that the other inventor, John Clifton Mason ("Mason"), was deceased.

Under 37 CFR 1.33(b), papers filed in a patent application must be signed by an attorney or agent registered to practice before the USPTO, an assignee, or **all** of the applicants, i.e., all of the inventors named in a U.S. patent application. Since Mason is deceased, his legal representative¹ may continue prosecuting this application on his behalf. In other words, a petition, an amendment in response to an Office action issued by an examiner, or other correspondence filed in the USPTO **must be signed by**, in addition to Kinnaid, Mason's legal representative (executor, administrator, etc.), in Mason's signature block, identifying himself/herself as Mason's legal representative.

If, on the other hand, Mason's undivided interest in the claimed invention has been assigned, the partial assignee must, along with Kinnaid, sign all the correspondence filed in the USPTO, provided that the partial assignee has become of record in the USPTO by filing a statement in compliance with 37 CFR 3.73(b).²

In order for the Office to review the August 16, 2001 §1.182 petition on its merits, a supplemental petition signed by Mason's legal representative or assignee, whichever is appropriate, must be submitted within **THIRTY (30) DAYS** of the mailing date of this letter to:

-by mail/by hand: Commissioner for Patents
USPTO
Attn: Office of Petitions
Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

-by fax: (703) 308-6916
Attn: Office of Petitions

¹ Or Mason's heirs, if: (1) Mason did not leave a will; (2) there was a will but no executor or administrator was appointed. MPEP 409.01(a) (Rev.1, Feb. 2003).

² 37 CFR 3.71(c). A blank form is attached for use by Mason's assignee, if appropriate.

Finally, the Office notes that a non-final Office action was mailed on June 25, 2003, giving Applicants a 3-month shortened statutory reply period, i.e., a reply period extendable by up to 3 more months. However, that reply period is independent of, and is **not** suspended or affected by, the 30-day period set forth in the instant letter.³

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions

Attachment: Form PTO/SB/96 (04-03) Statement under 37 CFR 3.73(b)